

## REMARKS

Please cancel Claims 7-8, 10, 19-20, 22, 33-34 and 36 without prejudice. Claims 1-6, 9, 11-18, 21, 23-32, 35 and 37 are pending. Claims 1-4, 6, 9, 11-16, 18, 21, 23-30 and 35 are amended herein. No new matter is added as a result of the claim amendments. Support for the claim amendments can be found at least on page 16, lines 5-6, of the instant application.

### Claim Objections

The instant Office Action states that Claims 1-6, 9, 11-18, 21, 23-32, 35 and 37 are objected to as being unclear. Applicants acknowledge that a switch, in general, can have multiple simultaneous communication connections between the devices connected to the switch. Applicants respectfully disagree that the claims require only one connection at a time; no such limitation is claimed. Applicants respectfully note that the claims distinguish between a “connection” and an “actualized (enabled) communication path.” For example, according to the claimed invention, two switches may be connected but not able to exchange instances of network traffic unless an actualized communication path between the two switches has been enabled.

### 102 Rejections

The instant Office Action states that Claims 1-3, 5-6, 9, 11-15, 17-18, 21, 23-25, 28-29, 31-32, 35 and 37 are rejected under 35 U.S.C. § 102(b) as being anticipated by Yuasa et al. (“Yuasa,” U.S. Patent No. 6,085,238). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 1-3, 5-6, 9, 11-15, 17-18, 21, 23-25, 28-29, 31-32, 35 and 37 is not anticipated nor rendered obvious by Yuasa.

Applicants respectfully agree with the statement on page 6 of the instant Office Action, that "Yuasa does not teach organizing devices in multiple tiers, wherein a path from a first tier to a second tier directs the traffic from the first tier only to the second tier and selectively disabling actualized paths and enabling new paths to a device moved from first tier to the second tier (sic)." As such, Applicants respectfully submit that Yuasa does not show or suggest the limitations of amended independent Claims 1, 13 and 25.

The instant Office Action cites Tezuka et al. ("Tezuka;" U.S. Patent No. 6,047,320) as showing the limitations cited above. As understood by the Applicants, Tezuka only pertains to the physical movement of nodes within a network and how those nodes can be maintained within the same network in spite of that movement. Thus, Applicants respectfully submit that Tezuka, alone or in combination with Yuasa, does not show or suggest the limitations cited above.

Furthermore, Applicants respectfully submit that Tezuka, alone or in combination with Yuasa, does not show or suggest the reconfiguring of a network without changing the physical wiring of the network. More specifically, Applicants respectfully submit that Tezuka, alone or in combination with Yuasa, does not show or suggest the "movement" of a device from one network tier or LAN to another network tier or LAN – that is, for example, removing the device as a member of one network tier or LAN and making the device a member of another network tier or LAN – without changing the physically wiring that connects the device to a switch, as recited in independent Claims 1, 13 and 25.

In summary, Applicants respectfully submit that Yuasa and Tezuka, alone or in combination, do not show or suggest the limitations of independent Claims 1, 13 and 25, and that these claims are in condition for allowance. Claims 2-3, 5-6, 9, 11-12, 14-15, 17-18, 21, 23-24, 28-29, 31-32, 35 and 37 are dependent on either Claim 1, 13 or 25 and recite additional limitations. As such, Applicants also respectfully submit that Yuasa nor Tezuka, alone or in combination, do not show or suggest the additional claimed features of the present invention as recited in Claims 2-3, 5-6, 9, 11-12, 14-15, 17-18, 21, 23-24, 28-29, 31-32, 35 and 37, and that these claims are also in condition for allowance as being dependent on an allowable base claim.

Therefore, the Applicants respectfully assert that the basis for rejecting Claims 1-3, 5-6, 9, 11-15, 17-18, 21, 23-25, 28-29, 31-32, 35 and 37 under 35 U.S.C. § 102(b) is traversed.

### 103 Rejections

#### Claims 4, 16 and 30

The instant Office Action states that Claims 4, 16 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yuasa in view of Gai et al. ("Gai;" U.S. Patent No. 6,678,241). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 4, 16 and 30 is not anticipated nor rendered obvious by Yuasa and Gai, alone or in combination.

Claims 4, 16 and 30 are dependent on either independent Claim 1, 13 or 25 and recite additional limitations. Hence, by demonstrating that Claims 1, 13 and 25 are not shown or suggested by Yuasa and Gai (alone or

in combination), it is also demonstrated that Claims 4, 16 and 30 are not shown or suggested by Yuasa and Gai (alone or in combination).

As presented above, Applicants respectfully submit that Yuasa (even in combination with Tezuka) does not show or suggest the limitations of amended independent Claims 1, 13 and 25. Applicants further submit that Gai does not overcome the shortcomings of Yuasa and Tezuka.

Specifically, Applicants respectfully submit that Gai, alone or in combination with Yuasa (and even considering Tezuka), does not show or suggest a network that has at least two tiers (or LANs) that communicate with each other, where a device is removed as a member of one network tier or LAN and made a member of another network tier or LAN without changing the physically wiring that connects the device to a switch, as recited in independent Claims 1, 13 and 25.

As such, Applicants also respectfully submit that Yuasa (even in combination with Tezuka) and Gai, alone or in combination, do not show or suggest the additional claimed features of the present invention as recited in Claims 4, 16 and 30, and that these claims are also in condition for allowance as being dependent on an allowable base claim.

Therefore, the Applicants respectfully assert that the basis for rejecting Claims 4, 16 and 30 under 35 U.S.C. § 103(a) is traversed.

#### Claims 26-27

The instant Office Action states that Claims 26-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yuasa in view of Lewis et al. ("Lewis;" U.S. Patent No. 6,421,719). The Applicants have reviewed the

cited references and respectfully submit that the present invention as recited in Claims 26-27 is not anticipated nor rendered obvious by Yuasa and Lewis, alone or in combination.

Claims 26-27 are dependent on independent Claim 25 and recite additional limitations. Hence, by demonstrating that Claim 25 is not shown or suggested by Yuasa and Lewis (alone or in combination), it is also demonstrated that Claims 26-27 are not shown or suggested by Yuasa and Lewis (alone or in combination).

As presented above, Applicants respectfully submit that Yuasa (even in combination with Tezuka) does not show or suggest the limitations of amended independent Claim 25. Applicants further submit that Lewis does not overcome the shortcomings of Yuasa and Tezuka.

Specifically, Applicants respectfully submit that Lewis, alone or in combination with Yuasa (and even considering Tezuka), does not show or suggest a network that has at least two tiers (or LANs) that communicate with each other, where a device is removed as a member of one network tier or LAN and made a member of another network tier or LAN without changing the physically wiring that connects the device to a switch, as recited in independent Claim 25.

As such, Applicants also respectfully submit that Yuasa (even in combination with Tezuka) and Lewis, alone or in combination, do not show or suggest the additional claimed features of the present invention as recited in Claims 26-27, and that these claims are also in condition for allowance as being dependent on an allowable base claim.

Therefore, the Applicants respectfully assert that the basis for rejecting Claims 26-27 under 35 U.S.C. § 103(a) is traversed.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-6, 9, 11-18, 21, 23-32, 35 and 37 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

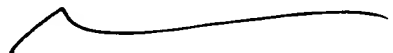
The Applicants have reviewed the references cited but not relied upon, and did not find these references to show or suggest the present claimed invention: U.S. Patent Nos. 6,535,489, 5,764,911, and 6,535,491.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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